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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,580	08/29/2003	Harlie D. Frost	1030-0002	9137

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EXAMINER	
NGUYEN, LEE	
ART UNIT	**PAPER NUMBER**
2618	
MAIL DATE	**DELIVERY MODE**
09/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/652,580	FROST ET AL.	
	Examiner	Art Unit	
	LEE NGUYEN	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39 and 42-52* is/are pending in the application.

4a) Of the above claim(s) *1-34 and 49* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *35-39,42-48,50-52* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to the communication filed 7/26/07

Election/Restrictions

1. Newly submitted claim 49 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: image presentation of a camera.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 49 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 35-36, 40, 43-46, 48 and 50- 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang (US 2003/0054794) in view of Kuramatsu (EP 1087355)

.

Regarding claim 35, Zhang teaches a device controller method, comprising: presenting a graphical user interface on a display associated with a computing device 30 or 32 (para [0026], [0027]); communicating with an electronic device 22, 24, 26, 28 via local area radio frequency communication (para [0027], [0040], [0053]); determining that a controller file associated with the electronic device is available (service request, device capability, para [0061]); receiving the controller file and storing the controller file in memory associated with the computing device (return a graphical interface, description, control button, para [0061], [0062])); launching an application associated with the controller file for controlling the electronic device and inputting a command to the computing device for controlling the electronic device (play, pause, fast forward, para [0062]). Zhang fails to teach that the control file is received from a server different from

the electronic device. However, Kuramatsu teaches that the control file is received from a server different from the electronic device (see para [0020], [0027-0028] and [0033]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kuramatsu with Zhang when the downloaded control files are not stored in the electronic devices.

Regarding claim 36, Zhang also teaches determining the presence of an unknown electronic device within a communication range of the computing device (device discovery, para [0040]); and receiving at the computing device a controller file for the unknown electronic device (para [0032], [0061], [0062]).

Regarding claim 40, Zhang also teaches that the controller file resides in a memory local to the electronic device and the controller file is received via local area radio frequency communication (para [0063]).

Regarding claim 43, the claim is interpreted and rejected for the same reason as set forth in claim 35. Zhang also teaches a cellular phone 32 (fig. 1)

Regarding claim 44, Zhang also teaches comprising a user interface for the cellular telephone, wherein the user interface is configured to receive a user input to control the controllable electronic device (para [0032]).

Regarding claim 45, Zhang also teaches that the set of instructions are further operable to convert the user input into a command for the controllable electronic device and to initiate communication of the command the controllable electronic device (para [0032]).

Regarding claim 46, Zhang also teaches that the cellular telephone comprises a local area communication module, and the command is communicated by the local area communication module (para [0040]).

Regarding claim 48, Zhang and Kuramatsu also teach that the controllable electronic device is a television (para [0049] of Kuramatsu). The motivation is the same reason as set forth in claim 35.

Regarding claim 50, the combination of Zhang and Kuramatsu also teach that the controller file resides at a network location remote from the electronic device and the controller file is received via wide area radio frequency communication (para [0020] of Kuramatsu). The motivation is the same reason as set forth in claim 35.

Regarding claim 51, the claim is interpreted and rejected for the same reason as set forth in claim 45.

Regarding claim 52, the claim is interpreted and rejected for the same reason as set forth in claim 35. Kuramatsu also teaches that the remote control applies to various devices (para [0020], [0027] and [0053]). The motivation is the same reason as set forth in claim 35.

4. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang in view of Kuramatsu as applied to claim 35 above, and further in view of Linnartz (US 2002/0066018).

Regarding claim 37, Zhang does not explicitly teach inputting at the computing device an identifier for the electronic device and user authentication credentials. This type of cryptographic algorithm is also included in Bluetooth specification, which requires the device ID and PIN code for authentication, as taught by Linnartz in para [0005]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Linnartz to the system of Zhang in order to ensure the privacy of user's device.

5. Claims 38-39, 42, 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang in view Kuramatsu as applied to claims 35, 43 above and further in view of Zweig (US 6,658,325).

Regarding claims 38-39, Zhang does not teach that the electronic device comprises a toy or network capable appliance and the step of receiving the controller file comprises over the air downloading of a Java application that comprises configuration application. Zweig teaches downloading configured Java application in col. 7, lines 37-41 and col. 8, line 59 through col. 9, line 3. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the teaching of Zweig to the system of Zhang in order to obtain rapid deployment and development instruction.

Regarding claims 42, 47, Zhang fails to teach that the toy is an automobile. Zweig teaches that the toy can be an automobile (col. 4, lines 40-46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the teaching of Zweig to the system of Zhang in order to provide different kind of toys to the system.

Response to Arguments

6. Applicant's arguments with respect to claims 35-48 and 50-52 have been considered but are moot in view of the new ground(s) of rejection.

Regarding the rejection of dependent claims 42 and 47, Applicant contends that the claims recite that the electronic device is an automobile, not a toy automobile.

In response, Applicant should refer to his specification in the abstract and paragraph [0014] for this argument.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone number is 571-272-7854. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANDERSON D. MATTHEW can be reached on 571-272-4177. The fax

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LEE NGUYEN
Primary Examiner
Art Unit 2618